United Nations A/HRC/39/NGO/145

General Assem

Distr.: General
5 September 2018

English and French only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, the Women's Human Rights International Association, the Edmund Rice International Limited and the France Libertes : Fondation Danielle Mitterrand, non-governmental organizations in special consultative status, the International Educational Development, Inc. and the Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14701(E)
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Please recycle

After 30 years, it is time for the UN to investigate the Islamic Republic of Iran's 1988 massacre••

Thirty years after the 1988 massacre of political prisoners in the Islamic Republic of Iran, it's time for the world to sooth the wound of a nation in pain and bring to justice the perpetrators of that crime against humanity, many of who are today in senior government posts and have never been held accountable.

In the summer of 1988, the government of Iran massacred 30,000 political prisoners. The executions were carried out based on a fatwa by Supreme Leader Ayatollah Khomeini. Three-member commissions known as 'Death Commissions' were formed across Iran sending political prisoners who refused to abandon their beliefs to execution.

Khomeini's decree called for the execution of all political prisoners affiliated to the main opposition group People's Mojahedin Organisation of Iran (PMOI or MEK) who remained loyal to the organisation. Political prisoners affiliated to other groups were executed in a second wave about a month after the killings began. The victims were buried in secret mass graves.

The perpetrators continue to enjoy impunity.

An investigation by Justice for the Victims of the 1988 Massacre in Iran (JVMI), a London-based NGO, published in October 2017, uncovered the identities of 87 members of the 'Death Commissions'. Many still hold senior positions in the Iranian judiciary or government. They include the current Justice Minister of Iran.

To date, no Iranian official has been prosecuted for their role in the massacre. Worse still, the Iranian authorities have attempted over the years to wipe the evidence of this atrocity by destroying the mass graves where victims were buried. The report also listed 59 mass graves in Iran where victims of the 1988 massacre are believed to have been secretly buried. The findings were based on eye-witness reports, information provided by family members of victims and documentary and photographic evidence from the sites.

In April 2018, Amnesty International and Justice For Iran released a joint report highlighting the Iranian authorities' deliberate desecration and destruction of mass graves related to the 1988 massacre.

The 31-page report, "Criminal cover-up: Iran destroying mass graves of victims of 1988 killings", reveals that the Iranian authorities are bulldozing, constructing buildings and roads, dumping rubbish or building new burial plots over mass grave sites. These tactics are destroying key evidence that could be used to establish the truth about the scale of the crimes and obtain justice and reparations for the victims and their families. These sites have been under constant surveillance by security agencies, which suggests that judicial, intelligence and security bodies are involved in the decision-making processes related to their desecration and destruction.

In July 2018, families of the victims of the 1988 massacre in Ahvaz who had gone to visit their loved ones' graves discovered that the graves had been hastily bulldozed.

For 30 years, the Iranian authorities have tried to cover up the truth about the massacre. Relatives of victims who publicly seek justice face harassment, including prison and torture. The people of Iran, particularly the relatives of the victims, look to the United Nations to carry out an independent inquiry into the massacre.

UN Special Rapporteur's position on the 1988 massacre in Iran

The previous Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the late Asma Jahangir, said in a report (A/72/322) to the UN General Assembly:

"73. Between July and August 1988, thousands of political prisoners, men, women and teen-agers, were reportedly executed pursuant to a fatwa issued by the then Supreme Leader, Ayatollah Khomeini. A three-man commission was reportedly created with a view to determining who should be executed. The bodies of the victims were reportedly buried in unmarked graves and their families never informed of their whereabouts. These events, known as the 1988 massacres, have never been officially acknowledged. In January 1989, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, Reynaldo Galindo Pohl, expressed concern over the "global denial" of the executions and called on Iranian authorities to conduct an investigation. Such an investigation has yet to be undertaken.

"74. In August 2016, an audio recording of a meeting held in 1988 between high-level State officials and clerics was published. The recording revealed the names of the officials who had carried out and defended the executions, including the current Minister of Justice, a current high court judge, and the head of one of the largest religious foundations in the country and candidate in the May presidential elections. Following the publication of the audio recording, some clerical authorities and the chief of the judiciary admitted that the executions had taken place and, in some instances, defended them."

The SR-Iran's report concluded:

"109. Over the years, a high number of reports have been issued about the 1988 massacres. If the number of persons who disappeared and were executed can be disputed, overwhelming evidence shows that thousands of persons were summarily killed. Recently, these killings have been acknowledged by some at the highest levels of the State. The families of the victims have a right to know the truth about these events and the fate of their loved ones without risking reprisal. They have the right to a remedy, which includes the right to an effective investigation of the facts and public disclosure of the truth; and the right to reparation. The Special Rapporteur therefore calls on the Government to ensure that a thorough and independent investigation into these events is carried out."

UN Secretary General's report

A report by Secretary General António Guterres to the Human Rights Council, (A/HRC/37/24), about the "Situation of human rights in the Islamic Republic of Iran", dated 26 February 2018, stated:

"44. OHCHR continued to receive letters from families of the victims who were summarily executed or forcibly disappeared during the events of 1988. They ask for the intervention of OHCHR to stop the harassment, intimidation and prosecution of human rights defenders seeking truth and justice on behalf of the victims and of their families. The Secretary-General remains concerned by the difficulty the families faced in obtaining information about the 1988 events and the harassment of those continuing to advocate for further information related to these events."

Letter by Special Procedures

On 14 June 2017, the Iranian authorities were sent a letter pertaining to the 1988 massacre from the Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. Their letter stated:

"These events, known as the 1988 massacre, have never been officially acknowledged by the Government of Iran, and thus no official investigation has ever been conducted to clarify the nature of the crimes, to identify and hold the perpetrators accountable, and to provide redress to the families of the victims. The bodies of the victims were buried in unmarked graves and their families were never informed of their fate."

"4. Please provide information about measures taken to investigate the extrajudicial killings of 1988, and to bring perpetrators to justice. If no investigations have taken place, please explain why.

"5. Please provide information about the measures taken by your Excellency's Government to guarantee the right to truth, justice and reparation to the families of those extra-judicially executed during the summer of 1988."

In response to the official request by the Special Procedures, the government of Iran sent a letter, dated 11 August 2017, which failed to even refer to the 1988 massacre, let alone respond to questions about holding perpetrators accountable.

Remarks by High Commissioner Zeid

UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, responded to questions about the 1988 massacre in a session with NGOs on 9 March 2018:

"The 88 massacre, the allegations of the massacres in 88, the summary executions and enforced disappearances of thousands of political prisoners – men, women and children – we have received a great deal of information from you, as did of course our dear friend who has now departed from us, Asma Jahangir. … We received 150 communications in respect of 1988, and this is reflected in the report to this particular Council. And the recommendations have been made to the national authorities to investigate independently and impartially of course given all the attention given to this by the victims' families. I have to say I am completely sympathetic with any view that has it that we need to look at historical injustices and we need to look with an investigative eye."

Civil society hearing

A civil society hearing was held in Geneva on 1 February 2018 to discuss the necessary steps for bringing an end to the impunity enjoyed by the perpetrators. It heard witnesses and legal experts and offered an adjudication of the 1988 massacre. The hearing was the first of its kind by NGOs in Geneva, and it urged immediate action by the UN to address the wave of mass arrests and killings in Iranian jails in 2018 following the recent anti-government protests.

International civil society and NGOs urged the High Commissioner for Human Rights to establish a fact-finding mission to investigate the months-long 1988 massacre.

During the Geneva hearing, former UN judges, senior human rights officials and human rights experts and advocates stressed that such an inquiry, long overdue, is now especially crucial in light of the arrest of thousands of peaceful anti-government protesters at the turn of the year, after which numerous protesters died while in authorities' custody. Many more are at risk of a similar fate.

Time to act

On behalf of our respective Non-Governmental Organisations we appeal to the United Nations Human Rights Council to end the 30-year impunity enjoyed by Iranian officials over the 1988 massacre.

Thirty years after the 1988 mass extra-legal executions of political prisoners in Iran, we believe that until the full truth is unveiled and the perpetrators are held to account for their crimes, there will be no incentive for the Government of Iran to change its policy on human rights.

We therefore call on the UN Human Rights Council to set up a commission of inquiry into the 1988 massacre and to bring justice for the victims of that crime against humanity.

We urge the incoming UN High Commissioner for Human Rights, Michelle Bachelet, to support the launch of an independent fact-finding mission into the 1988 massacre.

Furthermore, we appeal to the Special Procedures of the Human Rights Council, in particular the new Special Rapporteur on the situation of human rights in Iran, Javaid Rehman, and the Special Rapporteur on the promotion of truth, Fabian Salvioli, to investigate Iran's 1988 massacre as part of their respective mandates.

**Hands off cain Association des femmes Iraniennes en France comité de soutien aux droits de l'homme en Iran, an NGO without consultative status, also shares the views expressed in this statement.